



2026:AHC:62997

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4242 of 2026

Vishnu Mahto

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Piyush Patel, Pradeep Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Ashish Kumar, holding brief of Shri Piyush Patel, learned counsel for the applicant, and Shri B.P. Maurya, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant, with a prayer to release him on bail in Case Crime No. 14 of 2024, under Section 8/21/23 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Tuthibari, District Maharajganj, during pendency of the trial.

3. It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. It is further submitted that 100 ML Buprenorphine injection is said to have been recovered from the possession of the applicant. It is further submitted that co-accused Surendra Prasad Bharati has already been granted bail by the Co-ordinate Bench of this Court vide order dated 08.07.2024 passed in Criminal Misc. Bail Application No.15207 of 2024. It is further submitted that the applicant is languishing in jail since 16.01.2024, undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. Learned counsel for the applicant has placed reliance in the judgement of Kerala High Court in the case of Salam Vs. Union of India and another passed in WP (C) No.3934 of 2005 (R), in which, the commercial

quantity of the Buprenorphine has been converted from gram to ML and the same is 66666.60 millilitres for the commercial quantity.

4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant.

5. As per allegations in the first information report, 100 ML Buprenorphine injection is said to have been recovered from the possession of the applicant, which is much below the commercial quantity. Co-accused Surendra Prasad Bharati has already been granted bail by the Co-ordinate Bench of this Court vide order dated 08.07.2024 passed in Criminal Misc. Bail Application No.15207 of 2024. It is further submitted that the applicant is languishing in jail since 16.01.2024

6. Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 37 of N.D.P.S. Act and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is allowed.

7. In the event of arrest of the applicant- **Vishnu Mahto** involved in the aforesaid case crime shall be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned :-

(i) The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date

fixed, either personally or through his counsel.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 26, 2026
RKM